

IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

In re: ) Chapter 7  
NOAH N. KEABLES, ) Bankruptcy No. 14-11665  
Debtor(s). ) DECLARATION OF RICH KIM IN  
RESPONSE TO ORDER TO SHOW  
CAUSE

The undersigned makes the following statement under penalty of perjury:

1. I am over 18 years of age, am competent to testify to the statements herein and make the statements herein based on facts personally known to me.
2. I have been employed by trustees in several hundred cases, working on both equity sales and short sales.
3. By court order dated May 7, 2014, I was employed by the trustee to investigate and possibly market the real property located at 29905 - 8<sup>th</sup> Place South, Federal Way, Washington 98003 ("the Property"). The Property was over-encumbered by a deed of trust in favor of Washington Federal Savings Bank. The Property appeared to be a candidate for a short sale. As part of our standard process, we worked with the occupants to setup the listing and coordinate the procedures for agent to show the Property to potential buyers. This process proved to be difficult in working with Ms. Keables as she was less than cooperative and took substantially longer than is customary.
4. An offer which seemed potentially acceptable to the lienholder was ultimately mutually accepted and I prepared a short sale package and submitted it to Washington Federal on May 6, 2015, and again on May 7, 2015. On May 11, 2015, I had a telephone conversation with

1 Thomas Vitt, a special assets officer at Washington Federal. He confirmed that he received the  
2 short sale package and requested contact information for Ms. Keables which I provided.

3 5. On May 12, 2015, I attempted to contact Ms. Keables with no response.

4 6. On May 18, 2015, I was able to make contact with Ms. Keables. She informed me  
5 that the listing documents had been forwarded to her attorney for review. She was waiting for a  
6 response.

7 7. On June 3, 2015, Thomas Vitt responded to our request for a short sale stating, "The  
8 short sale package as presented in not acceptable" (*See* Exhibit "A" attached hereto) and this was  
9 further clarified via phone that this was due to Washington Federal's position that the trustee did not  
10 have authority over the Property and the co-titleholder's unwillingness to participate in the sale.

11 8. On June 8, 2015, I had a conversation with Taryn M. Darling Hill, Ms. Keables'  
12 attorney. She confirmed that she advised Ms. Keables to sign and send over the requested  
13 documentation. I also had a conversation with Ms. Keables on the same day and she stated that she  
14 had spoken with Washington Federal and was advised the short sale offer was declined.

15 9. Over the course of the next several months I made sporadic attempts to contact  
16 Washington Federal. It has been a struggle to get any relevant information. Occasionally, when  
17 needed, I could obtain a payoff figure. On October 10, 2017, I had a conversation with Ron Miller,  
18 Vice President of Collections at Washington Federal. I called because the most recent payoff I had  
19 received from the bank had the loan under Pamela R. McDaniel. He again confirmed that Noah  
20 Keables had no vested interest whatsoever in the Property. I was informed that prior to the divorce  
21 and the motion for relief from stay, Noah Keables was supposed to convey title to Pamela Keables,  
22 but never did.

23 10. Since that conversation I was able to occasionally obtain payoffs from Washington  
24 Federal. However, payoff requests are directed to a department, not an individual. I was informed  
25 that Mr. Miller was stopping any payoff requests for this loan to which he had been alerted.

11. At some point, by estimating a payoff figure and based on current market value of the Property, it was determined that this sale may now be an equity sale, and I began attempting to reach out to Ms. Keables in order to coordinate re-listing the Property as such and to coordinate agent and buyer showing procedures. After over a year of attempting to reach her and leaving notes on the front door, I finally had a phone conversation with her on March 13, 2019. During this conversation she confirmed that the keybox was removed (as confirmed during previous visits to the Property), stated that Washington Federal is agreeing with her position that she is fully entitled to the Property, and requested no further contact.

12. On April 5, 2019, I received an e-mail from Northwest Multiple Listing Service that there was another conflicting listing for the Property and that the seller listed on our listing (the bankruptcy trustee) may no longer have the legal right to sell the Property. *See* Exhibit “B” attached hereto. This issue was ultimately resolved with that listing being cancelled.

DATED this 18<sup>th</sup> day of July, 2019.

/S/ Rich Kim

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Rich Kim

# **EXHIBIT “A”**

RE: Short Sale Request - Washington Federal CU #7326 RE:  
29905 8th Pl S, Federal Way, WA 98003

Tom Vitt <Thomas.Vitt@wafd.com>

Wed 6/3/2015 2:16 PM

To: Rich Kim <RichKim@LuminBrokers.com>;

Mr. Kim

The short sale package as presented in not acceptable.

Thanks

**Tom Vitt**

*Special Assets*

Corporate Office/Fourth Floor

425 Pike Street, Seattle, WA 98101

Office: 206-204-3442

[thomas.vitt@washingtonfederal.com](mailto:thomas.vitt@washingtonfederal.com)

**Washington Federal.**  
**invested here.**

*If you received this email in error, please notify the sender and delete it immediately. This confidential message is not intended to constitute an offer, an acceptance, or a representation on which any person should rely. Washington Federal will be bound only by a document executed by an authorized officer of Washington Federal that expressly states that it is binding on and enforceable against Washington Federal. ORAL AGREEMENTS OR ORAL COMMITMENTS TO LOAN MONEY, EXTEND CREDIT OR TO FORBEAR ENFORCING REPAYMENT OF A DEBT ARE NOT ENFORCEABLE UNDER LAW*

**From:** Rich Kim [mailto:RichKim@LuminBrokers.com]

**Sent:** Thursday, May 07, 2015 2:44 PM

**To:** RichKim@LuminBrokers.com; Tom Vitt

**Subject:** Short Sale Request - Washington Federal CU #7326 RE: [29905 8th Pl S, Federal Way, WA 98003](#)

1st Lien Loan: Washington Federal CU #7326

Property Address: [29905 8th Pl S, Federal Way, WA 98003](#)

Owner: Keables

Tom -

Per our conversation, please see the attached short sale request package. Please confirm receipt and advise how to proceed. Thank you.

Rich Kim

**Lumin Brokers** - Short Sale Department

*Brighter Real Estate and Mortgage Solutions*

[5400 Carillon Point](#)

[Kirkland, WA 98033](#)

**Short Sale Phone:** 888-888-1321

**Short Sale Fax:** 888-710-8080

**Short Sale E-Mail:** [ShortSale@LuminBrokers.com](mailto:ShortSale@LuminBrokers.com)

**Direct/Mobile:** (425) 301-1111

# **EXHIBIT “B”**

Listing # **1423186**      **29905 8th Place S , Federal Way 98003**      STAT: **Cancelled**      LP: **\$375,000**  
 County: **King**      LT:      BLK:      CMTY: **Marine Hills**      PRJ:



Type: **Residential**      CDOM: **6**  
 AR: **110**      TAX: **5151600115**      OLP: **\$375,000**  
 MAP:      GRD:      Internet: **Yes**  
 DD: **Hwy 99, W on Dash Point Rd, RT on 9th Pl S. Left on S 299th, 1st driveway on right just past 8th Pl S.**      FIN:  
 LD: **04/04/2019**  
 XD:  
 OMD: **04/10/2019**

LAG: **Carol Spellacy-Hinman (97557)**      PH: **(253) 677-5609**  
 FAX:      PH Type: **Cellular**  
 LO: **John L. Scott, Inc. (905)**      PH: **(253) 841-7000**  
 SOC: **2.5**      Cmmts:  
 CLA:      PH:  
 CLO:      PTO: **Yes F17: Provided**  
 OTVP: **Owner**      OCC: **Undisclosed**  
 OWN: **Undisclosed**      OPH: **(000) 000-0000**  
 KEY: **Appointment, MLS Keybox**  
 PTS: **(253) 677-5609**      OAD: **Federal Way, WA**  
 POS: **Closing**  
 TRM: **Cash Out, Rehab Loan**  
 HOD:  
 TX\$: **\$4,314**      TXY: **2018**      SNR: **No**      MOR:

SFF: **2,370**      SFU: **2,700**  
 ASF: **2,370**      SFS: **Realist**  
 Community Feat:

SPA:      SAA:      AFH:

Right of First Refusal: **No**

BR: **5**      BDA:      BTH: **2.50**      FBT: **1**      QBT: **2**      HBT: **0**      FP: **2**      TOF:

G L M U      ACR: **0.325**      LSF: **14,166**  
 BR: **2 0 3**      VEW: **Territorial**      LSZ:  
 FUL: **0 0 0 1**      WFT:      WFG:  
 3/4: **0 1 1 0**      LTV:  
 1/2: **0 0 0 0**      LDE: **Paved Street, Secluded**      POL:  
 FP: **1 1**      SIT:

Utility Room      **Lower**      GR: **Carport-Attached**      GAR: **2**      STY: **14 - Split Entry**  
 Dining Room      **Upper**      BLD:      YBT: **1962**      NC:      FND: **Slab**  
 Entry      **Main**      BDI: **Built On Lot**      ARC:  
 Kit w Eat Spc      **Upper**      BDC: **Fixer**      RF: **Composition**  
 Living Room      **Upper**      EXT: **Brick, Wood**      BSM: **Daylight**  
 Master Bedroom      **Upper**      MHM:      MHS:      MHN:  
 Rec Room      **Lower**      ENS: **Electric, Natural Gas**      HTC: **Forced Air**  
 WHT:      LSD:      FLS: **Hardwood, Slate, Vinyl, Wall to Wall Carpet**  
 FEA: **Bath Off Master**  
 APS: **Dishwasher, Dryer, Garbage Disposal, Range/Oven, Refrigerator, Washer**

WAS: **Public**      WAC: **Lakehaven**      SD: **Federal Way**      EL: **Nautilus Elem**  
 SWC: **septic**      POC: **PSE**      JH: **Sacajawea Jnr High**      SH: **Federal Way Snr High**  
 Green Cert:      BUS:  
 Zoning Jur::      Zoning Code::      3rd Party Aprvl Req: **Short Sale**      BUS RTE:  
 Built Green:      HERS Score:      EPS Score:  
 NWMLS Cert:      Cnstrct Mthds:

Agent Only Remarks: **. Tigor Title - Sara Tingley Short sale subject to lien holder approval. Buyer responsible for septic inspection. Home being sold AS IS. Owner undisclosed.**

Marketing Remarks: **Investors, flippers, creative minds - bring your tool belt! ok...you better bring a ladder, carpet, and paint brushes too. This home is in need of vision and tender loving care. Located in beautiful Marine Hills where homes are selling at 450K PLUS - what a great ROI! 5 bedrooms, 2 wood burning fireplaces and huge open downstairs living space all on a large lot. Shown by appointment only.**